

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

CONSTRUCTION INDUSTRY )  
LABORERS PENSION FUND, et al., )  
Plaintiffs, )  
v. ) Case No. 4:23-CV-00219-BCW  
SPALDING CONSTRUCTORS, LLC, )  
Defendant. )

## **ORDER**

Before the Court is Magistrate Judge Morris' Report and Recommendation (Doc. #41) granting in part and denying in part Plaintiffs' motion for civil contempt against Defendant Spalding Constructors, LLC, and Shane Spalding for failing to appear and produce records at the September 19, 2024, Judgment Debtor Examination. (Doc. #27).

On October 28, 2024, Plaintiffs filed a motion for civil contempt requesting (1) attorneys' fees incurred by appearing at the September 19, 2024, judgment debtor examination and in bringing the instant Motion for Contempt, (2) a monetary fine of \$200/day for noncompliance with the Order setting the judgment debtor examination, and (3) that Defendant and Shane Spalding be held jointly and severally liable for any attorneys' fees and fines awarded.

On March 24, 2025, Judge Morris issued the instant Report and Recommendation granting Plaintiffs \$2,781.30 in attorneys' fees to be paid by Defendant Spalding Constructors, LLC, alone. (Doc. #41). Judge Morris also denied Plaintiffs' request for a daily noncompliance fee. Id. The Parties have not filed objections to Judge Morris' Report and Recommendation, and the time to do so has expired.

After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Morris' findings of fact and conclusions of law. Accordingly, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #41), Plaintiffs' motion for civil contempt (Doc. #27) is GRANTED IN PART AND DENIED IN PART. Defendant Spalding Constructors, LLC, shall pay Plaintiffs \$2,781.30 in attorneys' fees. It is further

ORDERED that Magistrate Judge Morris' Report and Recommendation be attached to and made part of this Order.

IT IS SO ORDERED.

DATED: April 15, 2024

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT